

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 240

BY SENATORS MAYNARD, TRUMP, CLINE, AND SWOPE

[Introduced January 10, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, §64-12-7, and
3 §64-12-8, all relating generally to repealing certain legislative rules promulgated by certain
4 agencies, boards, and commissions which are no longer authorized or are obsolete;
5 authorizing certain agencies and commissions under the Department of Administration,
6 Department of Environmental Protection, West Virginia Community and Technical
7 Education Council, Department of Military Affairs and Public Safety, Department of Tax
8 and Revenue, Department of Transportation, miscellaneous agencies, boards, and
9 commissions, and the Bureau of Commerce to repeal certain legislative rules; repealing
10 the Department of Administration legislative rule relating to the state purchasing card
11 program; repealing the Department of Environmental Protection legislative rule relating to
12 abandoned mine lands reclamation; repealing the Department of Environmental
13 Protection legislative rule relating to certification of gas wells; repealing the Community
14 and Technical College Education legislative rule relating to human resources
15 administration; repealing the Regional Jail and Correctional Facility Authority legislative
16 rule relating to criteria and procedures for determination of projected cost per day for
17 inmates incarcerated in regional jails operated by the authority; repealing the Insurance
18 Commission legislative rule relating to health insurance benefits for temporomandibular
19 and craniomandibular disorders; repealing the Insurance Commission legislative rule
20 relating to guaranteed loss ratios as applied to individual sickness and accident insurance
21 policies; repealing the Insurance Commission legislative rule relating to emergency
22 medical services; repealing the Insurance Commission legislative rule relating to external
23 review of coverage denials; repealing the Insurance Commission legislative rule relating
24 to mental health parity; repealing Insurance Commission legislative rule relating to small
25 employer eligibility requirements; repealing the Division of Motor Vehicles legislative rule
26 relating to eligibility for reinstatement following suspension or revocation of driving

27 privileges; repealing the Board of Social Work legislative rule relating to applications;
 28 repealing the Division of Labor legislative rule relating to hazardous chemical substances;
 29 and repealing the Division of Labor legislative rule relating to Safety Glazing Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.

§64-12-1. Department of Administration.

1 The legislative rule effective on March 18, 2002, authorized under the authority of §12-3-
 2 10a of this code, relating to the Department of Administration (state purchasing card program,
 3 [148 CSR 7](#)), is repealed.

§64-12-2. Department of Environmental Protection.

1 (a) The legislative rule effective on June 1, 1995, authorized under the authority of §22 1-
 2 3 of this code, relating to the Department of Environmental Protection (abandoned mine lands
 3 reclamation rule, [59 CSR 1](#)), is repealed.

4 (b) The legislative rule effective May 10, 2001, authorized under the authority of §22-1-3
 5 of this code, relating to the Department of Environmental Protection (certification of gas wells, 35
 6 CSR 7), is repealed.

§64-12-3. West Virginia Community and Technical College Council.

1 The legislative rule effective June 16, 2013, authorized under the authority of §18B-17-3
 2 of this code, relating to the Community and Technical College Education (human resources
 3 administration, [135 CSR 53](#)), is repealed.

§64-12-4. Department of Military Affairs and Public Safety.

1 The legislative rule effective April 28, 2014, authorized under the authority of §31-20-10
 2 of this code, relating to the Department of Military Affairs and Public Safety (criteria and
 3 procedures for determination of projected cost per day for inmates incarcerated in regional jails
 4 operated by the authority, [94 CSR 7](#)), is repealed.

§64-12-5. Department of Tax and Revenue, Insurance Commissioner.

1 (a) The legislative rule effective May 31, 1991, authorized under the authority of §33-2-10
2 of this code, relating to the Insurance Commissioner (health insurance benefits for
3 temporomandibular and craniomandibular disorders, [114 CSR 29](#)), is repealed.

4 (b) The legislative rule effective April 29, 2008, authorized under the authority of §33-2-10
5 of this code, relating to the Insurance Commissioner (guaranteed loss ratios as applied to
6 individual sickness and accident insurance policies, [114 CSR 31](#)), is repealed.

7 (c) The legislative rule effective May 16, 1997, authorized under the authority of §33-2-10
8 of this code, relating to the Insurance Commissioner (emergency medical services, [114 CSR 50](#)),
9 is repealed.

10 (d) The legislative rule effective July 1, 2002, authorized under the authority of §33-2-10
11 of this code, relating to the Insurance Commissioner (external review of coverage denials, [114](#)
12 [CSR 58](#)), is repealed.

13 (e) The legislative rule effective April 14, 2010, authorized under the authority of §33-2-10
14 of this code, relating to the Insurance Commissioner (mental health parity, [114 CSR 64](#)), is
15 repealed.

16 (f) The legislative rule effective May 6, 2005, authorized under the authority of §33-2-10
17 of this code, relating to the Insurance Commissioner (small employer eligibility requirements, [114](#)
18 [CSR 73](#)), is repealed.

§64-12-6. Department of Transportation, Division of Motor Vehicles.

1 The legislative rule effective April 2, 1986, authorized under the authority of §17A-2-9 of
2 this code, relating to the Division of Motor Vehicles (eligibility for reinstatement following
3 suspension or revocation of driving privileges, [91 CSR 16](#)), is repealed.

§64-12-7. Miscellaneous Agencies, Boards, and Commissions.

1 The legislative rule effective July 1, 2013, authorized under the authority of §30-30-6 of
2 this code, relating to the Board of Social Work (applications, [25 CSR 4](#)), is repealed.

§64-12-8. Bureau of Commerce, Division of Labor.

1 (a) The legislative rule effective April 25, 1984, authorized under the authority of §21-3-18
2 of this code, relating to the Division of Labor (hazardous chemical substances, [42 CSR 4](#)), is
3 repealed.

4 (b) The legislative rule effective August 6, 1971, authorized under the authority of §47-5-
5 1 of this code, relating to the Division of Labor (safety glazing act, [42 CSR 13](#)), is repealed.

NOTE: The purpose of this bill is to repeal certain legislative rules which are no longer authorized or are obsolete.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.